

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

RICHARD KIRBY,

Plaintiff,

v.

No. CIV 08-659 JCH/LFG

ROBERT EZELL, SHANNON  
McREYNOLDS, and MAJOR  
HORTON,

Defendants.

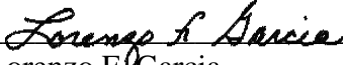
**ORDER DENYING PLAINTIFF'S MOTION  
FOR EXTENSION OF TIME TO CONDUCT DISCOVERY**

THIS MATTER comes before the Court on Plaintiff's "Second Request for Extension of Time to File a Response to the Martinez Reports" [Doc. 53]. No response is necessary.

As directed by the Court, the three Defendants filed Martinez reports in this matter. On August 20, 2009, Plaintiff filed the instant motion, asking for more time to conduct discovery or, in the alternative, "[i]f this Request or Motion is sufficient to allow evaluation of the claims, the Court may deem this document as Plaintiff's Response." [Doc. 53, at 17].

As discussed in the Magistrate Judge's Analysis and Recommended Disposition, filed this date, the Court determined that Plaintiff's response was indeed sufficient to permit evaluation of the claim, and it denied Plaintiff's request for more time to conduct discovery. *See*, Doc. 61 at 2, 28-29.

IT IS THEREFORE ORDERED that Plaintiff's Motion for Extension of Time to Conduct Discovery [Doc. 53] is denied.

  
Lorenzo F. Garcia  
Chief United States Magistrate Judge